

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-7, 10-23, and 26 are presently pending. Claims amended herein are 11 and 17. No claims are withdrawn, cancelled, or added herein.

Statement of Substance of Interview

[0004] The Examiner graciously talked with me—the undersigned representative for the Applicant—on 02/02/09. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I discussed how the claims differed from the cited references, namely Commons. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006] I understood the Examiner to agree that the claimed subject matter presented a distinction over the currently cited references, but no agreement was reached as to the ultimate allowability of the claims.

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims and the only issues that remain are minor or formal matters, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Substantive Matters

Claim Rejections under § 103

[0010] The Examiner rejects claims 1-7, 10-23, and 26 under § 103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0011] Accordingly, Applicant respectfully requests that the § 103 rejections be withdrawn and the case be passed along to issuance.

[0012] The Examiner's rejections are based upon the following references in varying combination:

- **Commons:** *Commons, et al.*, US Patent No. 7,305,694 (issued December 4, 2007);
- **Freeman:** *Freeman, et al.*, US Patent Application Publication No. 2002/0129374 (published September 12, 2002);
- **Heauvelman:** *Heauvelman*, US Patent Application Publication No. 2003/0126600 (published July 3, 2003);
- **Lamkin:** *Lamkin, et al.*, US Patent Application Publication No. 2002/0088011 (published July 4, 2002);
- **Fenwick:** *Fenwick, JR., et al.*, US Patent Application Publication No. 2008/0204852 (published October 30, 2003);
- **Dureau:** *Dureau*, US Patent Application Publication No. 2003/0135860 (published July 17, 2003);
- **Takahashi:** *Takahashi, et al.*, US Patent No. 5,563,661 (issued October 8, 1996);

- **Lakamp:** *Lakamp, et al.*, US Patent No. 7,203,965 (issued April 10, 2007);
- **Eytchison:** *Eytchison, et al.*, US Patent No. 6,363,434 (issued March 26, 2002);
- **Harrison:** *Harrison, et al.*, US Patent No. 6,732,373 (issued May 4, 2004); and
- **Gewickey:** *Gewickey, et al.*, US Patent Application Publication No. 2003/0028892 (published February 6, 2003).

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0013] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that not all of the criteria set forth for making a prima facie case have been met.

Based upon Commons and Freeman

[0014] The Examiner rejects claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Commons in view of Freeman. Applicant respectfully traverses the rejection of this claim and asks the Examiner to withdraw the rejection of this claim.

Independent Claim 1

[0015] Applicant submits that the combination of Commons and Freeman does not teach or suggest at least the following feature as recited in claim 1 (with emphasis added):

- "the single playback device having ***a plurality of media types and titles stored therein***"

[0016] The Examiner indicates (Action, p. 2-4) the following with regard to this feature of the claim:

establishing a two-way digital connection with a single playback device (Col 4: lines 41-55 teaches a disc changer (single playback device) 26a-c ~ Fig. 1 that is connected to media management system 10-Fig. 1 via I/O ports 12-Fig. 1 and two-way serial or S-Link based connections), the single playback device having a plurality of media types and titles stored therein, wherein at least one of the plurality of media types is a DVD containing an available title (Col 4: lines 41-45, Col 5: lines 10-13 teaches a plurality of media types such as CD's, SACD, and DVD's containing titles);

[0017] In traversal, Applicant notes that Commons does not teach a "single playback device having a plurality of media *types* and titles stored therein." Commons, in the cited sections in particular, describes an apparatus to interface between multiple peripheral devices and a home stereo receiver, each of the peripheral devices having their respective media types stored therein. (Col. 1, ll. 17-20; Col. 4, ll. 41-52; Fig. 1, elements 26a-c).

[0018] Commons describes the media source devices in Col. 4, ll. 41-48 as follows:

The first, second and third disc changers 26a-c may be any disc changer operable to hold a plurality of media discs such as audio CDs (compact discs), Super Audio CD's (SACD), and DVD's (digital versatile disc or digital video disc). The disc changers 26a-c connect to the media management system 10 at the media source I/O ports 12 to communicate media to the media management system 10.

[0019] As can be seen, the reference does not explicitly state that each of the devices has a plurality of media *types*, only that the devices may be operable to hold a plurality of media *discs*.

[0020] In Col. 1, ll. 56-67 Commons describes the problem being addressed.

"The user typically manually configures the manner in which a selected piece of media will be played each time it is played. For example, a user may direct a SACD disc to a 6-channel analog input on the receiver when playing a SACD disc. Then if the user wishes to listen to an MP3 file, the user may manually configure the media management system to direct the output to a 2-channel input on the receiver. Such manual configuration for each type of media source becomes burdensome to the user."

[0021] Applicant submits that a SACD disc, at the time the invention was made, was not played using the same device as an MP3 file and submits this evidences that the media source devices are to be understood as having their respective media types stored therein.

[0022] Cited reference Freeman is not cited as curing and does not cure this particular deficiency.

[0023] Furthermore, the Examiner agreed this to be a distinction during the interview of 02/02/09.

[0024] As shown above, the combination of Commons and Freeman does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2-7 and 10

[0025] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim, which depends from an allowable base claim, is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0026] Dependent claim 7 is exemplary of such a claim that is allowable for additional independent reasons.

[0027] Dependent claim 7 recites "wherein the step of converting transcripts the contents of the selected title from one security scheme to another". Applicant notes the Examiner cites to Lakamp for teaching this feature.

[0028] In Col. 3, ll 4-12 Lakamp describes converting content from a "discrete" state to an "encrypted" state. Applicant submits this does not teach transcription from one security scheme to another as claimed, because the "discrete" state is not disclosed as being a security scheme as claimed.

[0029] Lakamp discloses that "discrete" content is "network independent and may be moved (but not copied) between networks and users," Col. 3, ll. 4-12. According to Lakamp, the "but not copied" refers only to the copyright restriction description described in Col 1, ll. 18-21.

[0030] Copyright, as is well understood by one of ordinary skill in the art, offers no security in and of itself. Therefore, the Examiner has not shown

transcription from one security scheme to another as claimed. At best, what is suggested by the teachings of Lakamp is merely adding security to unsecured content.

[0031] Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Based upon Commons, Freeman, and Lakamp

[0032] The Examiner rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Commons in view of Freeman, and further in view of Lakamp. Applicant respectfully traverses the rejection of this claim and asks the Examiner to withdraw the rejection of this claim.

Independent Claim 11

[0033] Without conceding the propriety of the rejection, Applicant amends independent claim 11 herein. Applicant submits that the combination of Commons, Freeman, and Lakamp does not teach or suggest at least the following features as recited in claim 11 as amended herein (with emphasis added):

- “presenting on the display device an option to use a single playback device for selection by the user, the single playback device being connected to the home network via a media server and having a plurality of media stored therein, the media comprising ***a plurality of***

disparate media types, storage formats, and titles, wherein amongst the plurality of media types, formats, and titles is a plurality of titles stored on DVD's"

- "transcribing the contents of the selected title ***from one security scheme to another***"

[0034] The Examiner indicates (Action, p. 11-12) the following with regard to the features noted above:

Consider **claim 11**. Commons teaches a computer-readable medium having computer-executable instructions for a media client residing on a home network and connected to a display device (User 1/Fig. 1, Media Receiver 38-Fig. 1, monitors 32, 36-Fig. 1; Col 4: lines 18-24) to perform steps comprising presenting on the display device an option to use a single playback device for selection by the user, the single playback device being connected to the home network via a media server and having a plurality of media types and titles stored therein, wherein amongst the plurality of media types and titles is a plurality of DVD's containing available titles stored thereon (Fig. 1; Col 5: lines 50-64 teaches displaying information about media unit records, allowing the user to manage and play the media obtained from the media source(s). Col 4: lines 41-55, Col 5: lines 10-13 teaches a disc changer (single playback device) connected

Commons and FREEMAN do not explicitly teach transcribing the contents of the selected title from one security scheme to another;

in an analogous art Lakamp teaches, transcribing the contents of the selected title from one security scheme to another (Col 2: lines 16-23, Col 3: lines 4-12, Col 4: lines 20-26); and providing decryption and playback of transcribed content on client devices (Col 2: lines 24-25, Col 3: lines 54-65).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Commons and FREEMAN to include transcribing the contents of the selected title from one security scheme to another, as taught by Lakamp, for the advantage of limiting the unauthorized copying of digital audio and video, preventing unscrupulous purchasers from opening up their home networks to unauthorized users or make pirate copies of content that can be sold or given away depriving copyright owners of compensation (Lakamp - Col 1: lines 21-27, 48-54).

[0035] Here Applicant reiterates arguments made for independent claim 1 and dependent claim 7. Cited reference Commons does not teach a single device with a plurality of disparate media types stored therein, and Lakamp does not teach transcribing from one security scheme to another as claimed. None of the other references are cited as curing and do not cure these deficiencies.

[0036] As shown above, the combination of Commons, Freeman, and Lakamp does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 12-16

[0037] These claims ultimately depend upon independent claim 11. As discussed above, claim 11 is allowable. It is axiomatic that any dependent claim, which depends from an allowable base claim, is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Based upon Commons, Freeman, Fenwick Jr., and Gewickey

[0038] The Examiner rejects claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Commons in view of Freeman, and further in view of Fenwick Jr. and in further view of Gewickey. Applicant respectfully traverses the rejection of this claim and asks the Examiner to withdraw the rejection of this claim.

Independent Claim 17

[0039] Without conceding the propriety of the rejection, Applicant amends independent claim 17 herein. Applicant submits that the combination of Commons, Freeman, Fenwick Jr., and Gewickey does not teach or suggest at least the following features as recited in claim 17 (with emphasis added):

- “***a single playback device*** having a plurality of media ***types*** and titles stored therein, the plurality of media types comprising a plurality of DVD’s having titles stored thereon”
- “present the single playback device for discovery ***on the home network***”

[0040] The Examiner indicates (Action, pp. 3, 21-22) the following with regard to the features noted above:

establishing a two-way digital connection with a single playback device (Col 4: lines 41-55 teaches a disc changer (single playback device) 26a-c ~ Fig. 3 that is connected to media management system 10-Fig. 3 via I/O ports 12-Fig. 3 and two-way serial or S-Link based connections), the single playback device having a plurality of media types and titles stored therein, wherein at least one of the plurality of media types is a DVD containing an available title (Col 4: lines 41-45, Col 5: lines 10-13 teaches a plurality of media types such as CD's, SACD, and DVD's containing titles);

Commons and FREEMAN do not explicitly teach present the single playback device for discovery on the home network;

retrieving metadata associated with a title from a title server, the retrieving further comprising retrieving a predefined number of bits from the title server and using a hash of the predefined number of bits to identify the title on the title server

In an analogous art FENWICK teaches, present the single playback device for discovery on the home network (Paragraph 0016);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Commons and FREEMAN to include present the single playback device for discovery on the home network, as taught by FENWICK, for the advantage of efficiently managing and recognizing devices on the network, allowing for easy organization of available devices on the network.

[0041] Here Applicant reiterates above arguments made with regard to the claimed "***a single playback device*** having a plurality of media ***types*** and titles stored therein, the plurality of media types comprising a plurality of DVD's having titles stored thereon"; Commons does not teach this claimed feature as has been

demonstrated above. Applicant notes that none of the remaining cited references have been cited as curing and do not cure this deficiency.

[0042] Furthermore, Applicant notes that it is improper to combine Commons and Freeman with Fenwick to obviate “present the single playback device for discovery on the home network” as there is no expectation of success.

[0043] Commons and Freeman are each references directed toward in home and personal uses. Contrastingly, Fenwick Jr. teaches a system and method for “distributing video program material among users of a lodging or similar facility” such as a hotel or motel that “is able to service a plurality of users,” (Fenwick, paras. 0004 & 0012).

[0044] Applicant submits that one would have no reasonable expectation of success by combining the commercial system of Fenwick with the personal and single user systems of Commons and Freeman.

[0045] As shown above, the combination of Commons, Freeman, Fenwick, and Gewickey does not teach or suggest all of the elements and features of this claim. Also, there is no reason to combine the teachings of the references. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 18-23, and 26

[0046] These claims ultimately depend upon independent claim 17. As discussed above, claim 17 is allowable. It is axiomatic that any dependent claim,

which depends from an allowable base claim, is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Dependent Claims

[0047] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0048] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

/Randall T. Palmer 61,440/
Randall T. Palmer (Randy@leehayes.com; x4761)
Registration No. 61,440
Rob Peck (robpe@leehayes.com; x6019)
Registration No. 56,826
Customer No. **22801**

Dated: 02/25/09

Telephone: (509) 324-9256
Facsimile: (509) 323-8979
www.leehayes.com